

House Engrossed Senate Bill

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 310

SENATE BILL 1351

AN ACT

AMENDING TITLE 41, CHAPTER 32, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3; RELATING TO ALTERNATIVE ACCESS TO ELECTRONIC OR INFORMATION TECHNOLOGY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 32, Arizona Revised Statutes, is amended
3 by adding article 3, to read:

4 ARTICLE 3. ALTERNATIVE ACCESS TO ELECTRONIC
5 OR INFORMATION TECHNOLOGY

6 41-3531. Definitions

7 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 1. "DISABILITY" MEANS A PHYSICAL OR MENTAL IMPAIRMENT THAT
9 SUBSTANTIALLY LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES AND INCLUDES HAVING
10 A RECORD OF OR BEING REGARDED AS HAVING SUCH AN IMPAIRMENT.

11 2. "ELECTRONIC OR INFORMATION TECHNOLOGY" MEANS ALL ELECTRONIC
12 INFORMATION PROCESSING HARDWARE AND SOFTWARE, INCLUDING TELECOMMUNICATIONS
13 AND ANY ELECTRONIC INFORMATION EQUIPMENT OR INTERCONNECTED SYSTEM THAT IS
14 USED IN ACQUIRING, STORING, MANIPULATING, MANAGING, MOVING, CONTROLLING,
15 DISPLAYING, SWITCHING, INTERCHANGING, TRANSMITTING AND RECEIVING DATA OR
16 INFORMATION, INCLUDING AUDIO, GRAPHICS AND TEXT.

17 41-3532. Alternative methods of access to electronic or
18 information technology; complaint procedure; rules

19 A. IN ORDER TO IMPROVE ACCESSIBILITY OF FUTURE ELECTRONIC OR
20 INFORMATION TECHNOLOGY AND INCREASE THE SUCCESSFUL EMPLOYMENT AND ACCESS TO
21 GOVERNMENT SERVICES FOR INDIVIDUALS WITH DISABILITIES, PARTICULARLY BLIND AND
22 VISUALLY IMPAIRED AND DEAF AND HARD-OF-HEARING PERSONS, A BUDGET UNIT, IN
23 DEVELOPING, PROCURING, MAINTAINING OR USING ELECTRONIC OR INFORMATION
24 TECHNOLOGY THROUGH THE USE OF STATE MONIES, SHALL ENSURE THAT THE ELECTRONIC
25 OR INFORMATION TECHNOLOGY PROVIDES COMPARABLE ACCESS TO INDIVIDUALS WITH
26 DISABILITIES IN ACCORDANCE WITH THE ACCESSIBILITY STANDARDS ADOPTED UNDER
27 SECTION 508 OF THE REHABILITATION ACT OF 1973 (29 UNITED STATES CODE SECTION
28 794d) UNLESS DOING SO WOULD IMPOSE AN UNDUE BURDEN ON THE BUDGET UNIT.

29 B. THE BUDGET UNIT THAT CONTRACTS WITH A VENDOR THAT PROVIDES THESE
30 PRODUCTS OR SERVICES IS SUBJECT TO THIS ARTICLE FOR THE PROVISION OF
31 ELECTRONIC OR INFORMATION TECHNOLOGY OR FOR THE PROVISION OF RELATED SERVICES
32 AND SHALL AGREE TO RESPOND TO AND MAKE A GOOD FAITH EFFORT TO RESOLVE ANY
33 COMPLAINT REGARDING ACCESSIBILITY. THE DEPARTMENT OF ADMINISTRATION SHALL
34 ESTABLISH A COMPLAINT PROCEDURE FOR ALL BUDGET UNITS, EXCEPT THE SUPREME
35 COURT SHALL ESTABLISH A COMPLAINT PROCEDURE FOR THE COURTS. THE COMPLAINT
36 PROCEDURES FOR THE DEPARTMENT OF ADMINISTRATION AND THE SUPREME COURT SHALL
37 BE CONSISTENT WITH SECTION 508 OF THE REHABILITATION ACT OF 1973 TO BE USED
38 BY AN INDIVIDUAL WITH A DISABILITY WHO ALLEGES THAT A BUDGET UNIT FAILED TO
39 COMPLY WITH THIS ARTICLE.

40 C. THE DEPARTMENT OF ADMINISTRATION SHALL ADOPT RULES THAT ARE
41 NECESSARY TO IMPLEMENT THIS ARTICLE AND REVISE THOSE RULES AS NECESSARY BASED
42 ON ANY AMENDMENTS TO SECTION 508 OF THE REHABILITATION ACT OF 1973, INCLUDING
43 AN UNDUE BURDEN PROCESS THAT IS CONSISTENT WITH THE SECTION 508 FEDERAL
44 ACQUISITION REGULATION PROVISIONS. THE DEPARTMENT OF ADMINISTRATION SHALL
45 BEGIN THE RULE MAKING PROCESS BY OCTOBER 1, 2004.

1 Sec. 2. Applicability

2 This act applies only to electronic or information technology that
3 begins or is contracted on or after the adoption of administrative rules by
4 the department of administration.

APPROVED BY THE GOVERNOR JUNE 1, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 1, 2004.

Passed the House May 25, 20 04

by the following vote: 51 Ayes,

5 Nays, 4 Not Voting

Jake Flaherty
Speaker of the House
Norman L. Joyce
Chief Clerk of the House

Passed the Senate March 25, 20 04

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Klu Blumett
President of the Senate
Charmian B. Wright
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1351

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of June, 20 04

at 4:38 o'clock P. M.

Janice K. Brewer
Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate May 26, 2004

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Klu Blumett
President of the Senate

Chaimin Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

26th day of May, 2004

at 3:04 o'clock P. M.

Wennifer Ibarra
Secretary to the Governor

Approved this 1 day of

June, 2004,

at 4⁰⁰ o'clock P. M.

J. R. Mc
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of June, 2004

at 4:38 o'clock P. M.

Secretary of State